

**NOTIFICATION TO THE DATA PROTECTION OFFICER
(ARTICLE 31 REGULATION 2018/1725)**

NAME OF PROCESSING ACTIVITY: **Management of Leave Requests at EMSA**

1) Controller(s) ¹ of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible² for the processing activity: Unit 4.1, Human Resources and Internal Support</p> <p>Contact person: Cristina Romay Lopez</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: dpo@emsa.europa.eu</p>
2) Who is actually conducting the processing? (Article 31.1(a)) ³
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit 4.1 Human Resources and Internal Support</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party: <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> European Commission DG HR - Medical Service <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): EMSA remains the controller as per Article 6 of the general conditions of the SLA. At the Medical Service of the Commission, the contact person for this purpose is Micheline.Adam-Gerard@ec.europa.eu for sick leave follow-up and medical control.</p> <ul style="list-style-type: none"> European Commission - Payment Management Office (PMO) <p>The PMO will adjust the salaries when applicable.</p> <p>European Commission DPO: data-protection-officer@ec.europa.eu</p>

¹ In case of more than one controller (e.g. joint operations), all controllers need to be listed here

² This is the unit that decides that the processing takes place and why.

³ Is EMSA itself conducting the processing? Or has a provider been contracted?

- European Commission – DG DIGIT, Unit B.3 applicable for the use of the [On the GO application](#) and PMO Mobile

European Commission DPO: data-protection-officer@ec.europa.eu

- Interim Agency in charge of the employment contracts of interims providing services to EMSA.

3) Purpose of the processing (Article 31.1(b))

Why are the personal data being processed? Specify the rationale and underlying reason for the processing and describe the individual steps used for the processing.

The processing has as its objective the management and recording of various types of leave of staff members.

Data relevant for **Officials, Temporary Agents and Contract Agents** is managed by the Human Resources Leave Manager (GECO) and his/her backups. The types of leave are as follows:

- Annual leave;
- Special leave as defined in the implementing rule on leave;
- Flexible holiday;
- Parental leave;
- Family leave;
- Part-time work and Special Part-Time (Time Credits)
- Leave on personal grounds (CCP);
- Sick Leave.

Data relevant for **Seconded National Experts (SNE's) and National Experts in Professional Training (NEPTs)** is also managed by the Human Resources Leave Manager (GECO) and his/her backups. The types of leave are:

- Annual leave;
- Special leave;
- Flexible holiday;
- Sick leave.

Data relevant for **Trainees and Interims** is also managed by the Human Resources Leave Manager (GECO) and his/her backups. The types of leave are:

- Annual leave;
- Sick leave.

The procedures are managed as described below.

Procedures in In LeaMa, the electronic management tool for the processing of leave:

The following data is processed for Officials, Temporary Agents and Contract Agents who introduce a request into the system:

- Annual Leave: Name, type of leave – basic entitlement, dates requested (duration of leave), comments if applicable, attached documents if applicable, approval by Head of Unit.
- Special leave: Name, type of leave – special leave and type of special leave (as mentioned in the implementing rule on leave), dates requested (duration of leave), comments if applicable, attached documents if applicable or provided by e-mail, approval by Leave Manager.
Example of supporting documents: adoption papers, attendance certificates, proof of removal delivery, copy of rental contracts, copies of birth, marriage or death certificates, medical certificate stipulating that the staff member was required to stay with the relevant family member for reasons of illness, including personal number and name of the absent staff member, the dates of the absence and a signature of the doctor.
Special leave related to health are delivered in a sealed envelope to the HR Leave Manager who sends it to the Medical Service in Brussels.
- Sick Leave: Illness with certificate/without certificate: name, type of leave – illness with/without certificate, dates requested (duration of leave), comments if applicable, approval by Leave Manager.
Medical certificates are sent by staff members to DG HR Medical Service for validation. Staff can opt to send their medical certificates to either a dedicated e-mail, or On the GO application or PMO mobile, or by regular post.
The staff member presents a medical certificate which should include their personal number, their name, the dates of the absence and a signature of the doctor. With regard to medical certificates, the reason of illness is not detailed on the medical certificate.
The Medical Service validates the certificates and sends a list to EMSA which mentions the name of the staff member, the length of the absence and the type of leave (sick leave, part time medical leave, etc).

Procedures in the E-personal file who introduce a request into the system:

The following data is processed for Officials, Temporary Agents and Contract Agents.

- Parental leave: name of the staff member, personal number, Dept, Unit, Type of Contract/grade/function group. Period of requested parental leave, child (name and date of birth), type of leave (50% or 100% of working hours), extension of parental leave entitlement information, scheduled working hours information, information on previous leaves, conditions for allowance received, single parent status and declaration if applicable, address during parental leave, legal basis. Verification/Approval by HR, Line Managers and Appointing Authority.
- Family Leave: name of the staff member, personal number, Dept, Unit, Type of Contract/grade/function group. Period of requested family leave, person for whom family leave is taken, name, date of birth and relation to staff member. A medical certificate of the diagnosis of the illness or handicap confirming its seriousness must be provided in a sealed envelope to be validated by DG HR Medical Service, Type of leave (50% or 100% of working hours), scheduled working hours information, information on previous leaves, conditions for allowance received, address during family leave, legal basis. Verification/Approval by HR, Line Managers and Appointing Authority.
- Part-time work and Special Part-time (Time Credits): name of the staff member, personal number, Dept, Unit, Type of Contract/grade/function group. Indication if not working full-time, Period of requested part-time and type of request (new or renewal), % of the standard part-time request, reason for the request, If applicable appropriate supporting documents depending on the reason of the request with the exception of any document containing medical data, which should be provided in a sealed envelope to HR Leave Manager to be validated by DG HR Medical Service, name and date of the child(ren) if applicable, scheduled working hours information, choice for pension contribution, legal basis. Verification/Approval by HR, Line Managers and Appointing Authority.
- Leave on Personal Grounds (CCP): name of the staff member, personal number, Dept, Unit, Type of Contract, Expiry of Contract. Application type, request/renewal/declaration of outside activity. Duration of the leave and term of office if applicable, reasons, Description of Duties at EMSA,

address on leave, outside activity details if applicable, Declaration and Signature of Staff member if application is of a renewal. Verification/Approval by HR, Line Managers and Appointing Authority is done in in ARES.

For MSS staff on shift, Trainees, NEPTS and Interims:

- Annual leave: Name, Personnel number, Dept, Unit, type of request (annual leave, cancellation or other) dates, contact details during leave, Total number of leave days taken, comments if applicable, approval of Head of Unit, registration by HR in a excel table.

For MSS staff on shift and NEPTS:

- Special leave: Name, Personnel number, Dept, Unit, type of request (annual leave, cancellation or other) dates, contact details during leave, Total number of leave days taken, type of Special Leave and appropriate supporting documents depending on the reason of the request with the exception of any document containing medical data, which should be provided in a sealed envelope to HR Leave Manager to be validated by DG HR Medical Service, comments if applicable, approval of Head of Unit, registration by HR in a excel table.
Example of supporting documents: adoption papers, attendance certificates, proof or removal delivery, copy of rental contracts, copies of birth, marriage or death certificates, medical certificate stipulating that the staff member was required to stay with the relevant family member for reasons of illness, including personal number and name of the absent staff member, the dates of the absence and a signature of the doctor.

Procedure managed directly by HR Leave Manager by e-mail:

For Trainees and NEPTS:

- Sick Leave: Illness with certificate/without certificate: name, type of leave – illness with/without certificate, dates requested (duration of leave).

Medical certificates are sent by Trainees and NEPTS to HR Leave Manager for validation. Trainees and NEPTS present a medical certificate which should include their personal number, their name, the dates of the absence and a signature of the doctor. With regard to medical certificates, the reason of illness is not detailed on the medical certificate. Registration by HR in a excel table.

Procedures managed directly by the Interim Agency:

Sick leave: In the case of sickness related absences, medical certificates are sent directly by the interims to the interim agency in charge of their employment contract for validation. The interim agency informs HR Leave managers of the justified absence.

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for:

Mention the legal basis which justifies the processing

- a task carried out in the public interest or
in the exercise of official authority vested in EMSA
(including management and functioning of the institution)



(Examples of legal basis: e.g. Article 2 'Core tasks of the Agency', par.4 b) EMSA founding regulation)

- Under 15.2(e) of the EMSA Founding Regulation, Regulation (EC) No 1406/2002, as amended, the Executive Director shall exercise (e) he/she shall exercise, in respect of the staff, the powers laid down in Article 6(2).
- Articles 57, 58 and 61 of the Staff Regulations and Annex V thereto, and Articles 16 and 91 of the CEOS in respect of Leave.
- Article 42b of the Staff Regulations and Articles 16 and 91 of the CEOS in respect of family leave.
- Articles 12b, 15, 37, 40, 110(2) and Article 33 of Annex XIII of the Staff Regulations and Articles 11, 17, 52 and 91 of the CEOS in respect to leave on personal grounds and unpaid leave.
- Article 42a of the Staff Regulations and Articles 16 and 91 of the CEOS in respect of parental leave.
- Article 55a and Annex IVa of the Staff Regulations and Articles 16 and 91 of the CEOS in respect of on part-time work.
- Article 58b of the Staff Regulations and Articles 16 and 91 of the CEOS in respect of maternity leave.
- Commission Decision C(2013) 9051 of 16 12 2013 on leave applicable to the Agency by analogy, as amended.
- Commission Decision C(2010) 7572 of 05/11/2010 on parental leave applicable to the Agency by analogy.
- Decision of the Administrative Board of 17/09/2015 on leave on personal grounds for officials and unpaid leave for temporary and contract staff.
- Commission Decision C(2013) 9020 on maternity leave and maternity pay for women whose maternity leave begins before the end of their contract applicable to the Agency by analogy.
- Commission Decision C(2015) 9720 on part-time work applicable to the Agency by analogy.
- Commission Decision C(2004)1314 of 14/04/04 on Article 42b of the Staff Regulation concerning family leave applicable to the Agency by analogy.
- Decision of the Administrative Board of 20/11/09 laying down rules on the Secondment to EMSA of National Experts and National Experts in Professional Training, as amended.
- Decision No. 2022/036 of the Executive Director relating to the Rules Governing the Traineeship Scheme of EMSA.

- compliance with a legal obligation to which EMSA is subject

☐

(c) necessary for the performance of a contract with the data subject or for the preparation of such a contract

☐

- Data subject has given consent (*ex ante*, explicit, informed) ☐

Describe how consent will be collected and where the relevant proof of consent will be stored

5) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are being processed?

EMSA staff Officials, temporary Agents and Contract Agents	<input checked="" type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees) SNE's, NEPT's, Trainees and Interims	<input checked="" type="checkbox"/>
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject Family members Other (please specify):	<input checked="" type="checkbox"/>

6) Categories of personal data processed (Article 31.1(c))

Please tick all that apply and give details where appropriate

(a) **General personal data:**

The personal data contains:

Personal details (name, address etc)	<input checked="" type="checkbox"/>
Education & Training details	<input type="checkbox"/>
Employment details	<input checked="" type="checkbox"/>
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input checked="" type="checkbox"/>
Goods or services provided	<input type="checkbox"/>

Other (please give details):

Administrative documents that include personal data relating to the health status of a person. Amongst those documents are medical certificates, forms concerning leave for health reasons and the list of medical certificates validated by the Medical Service.

(b) **Sensitive personal data** (Article 10)

The personal data reveals:

Racial or ethnic origin ☐

Political opinions ☐

Religious or philosophical beliefs ☐

Trade union membership ☐

Genetic, biometric or data concerning health ☒

Medical files that are kept at the medical service of the European Commission. Medical files include medical certificates, medical reports, laboratory tests, medical questionnaires etc.

Information regarding an individual's sex life or sexual orientation ☐

7) Recipient(s) of the data (Article 31.1 (d))

Recipients are all parties who have access to the personal data

Data subjects themselves ☒

Officials, Temporary Agents, Contract Agents, SNEs, NEPTs, Interims

Managers of data subjects ☒

- Line Managers for the approval of the Leave requests

Designated EMSA staff members ☒

- The Leave manager and backups
- Payroll Officer and backups

- Senior HR Officer
- Head of Unit 4.1
- Head of Department 4.0
- Head of Unit, Executive Office
- The Appointing Authority, i.e., the EMSA's Executive Director
- Specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications.

Designated Contractors' staff members



- The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications have access to the quality environment of the corporate applications (E-Personal File, LeaMa and TiMa indirectly) where a reduced list of names, surnames and EMSA Staff members personnel numbers is available.

Other (please specify):

- Designated Commission staff members: DG HR Medical Services, PMO for adjustment on salaries when applicable and DIGIT for the application On the Go and PMO Mobile.
- Also, if appropriate, access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))

If the personal data are transferred outside the European Economic Area, this needs to be specifically mentioned, since it increases the risks of the processing operation.

Data are transferred to third country recipients:

Yes

☐

No

☒

If yes, specify to which country:

If yes, specify under which safeguards:

Adequacy Decision of the European Commission

☐

Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>
9) Technical and organisational security measures (Article 31.1(g)) <i>Please specify where the data are stored during and after the processing</i>	
<p>How is the data stored?</p> <p>EMSA network shared drive <input checked="" type="checkbox"/></p> <p>Outlook Folder(s) <input checked="" type="checkbox"/></p> <p>Hardcopy file <input checked="" type="checkbox"/></p> <p>Cloud (give details, e.g. public cloud) <input type="checkbox"/></p> <p>Servers of external provider <input type="checkbox"/></p> <p>Other (please specify): HR Database, E-Personal File, LeaMa, TiaMa and ARES.</p>	
10) Retention time (Article 4(e)) <i>How long will the data be retained and what is the justification for the retention period? Keep in mind that there are pre-determined retention periods for most types of files. Those are explained in the Records Management Policy and Procedure of the Agency. You can check EMSA Records Management Policy and Procedure at the Intranet of the Agency.</i>	
<p>Data on the annual leave, sick leave and flexible holidays requests of staff members should be retained until 4 years after the carryover of the unused days of annual leave to the following year has been closed.</p> <p>Parental leave; Family leave; Part-time work, Special Part-Time (Time Credits), Leave on personal grounds (CCP) are filled in the e-personal file of the staff member concerned, which are kept 10 years following the termination of employment or the last pension payment.</p>	

Data on Special leave of the staff member concerned are to be kept 10 years following the termination of employment or the last pension payment.

Medical Certificates of Trainees and NEPTS are kept by 30 years after the end of service by EMSA.

Medical Files including medical certificates of staff members are kept by 30 years after the end of service by the Medical Services of the European Commission.

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.